

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 3731Remarks

Enclosed is a newly amended claim 1, which comprises the features of the previously amended claim 1 according our response dated 26 December 2003 and the features of the originally filed claim 4. Claims 5 and 6 have been amended to depend on the newly amended claim 1, instead of claim 4. Support for the amendment of claim 1 can be found in paragraph 43 of the specification.

The rejections of claims 1 to 3 in the present Office Action are not challenged, as those rejections relate to the originally filed claims. However, Applicant does take issue with the rejection of claim 4, since the features of the originally filed claim 4 are not disclosed by Janzen.

According to Janzen's Figure 1, Janzen only discloses a U-shaped seating 42 in the actuatable handle portion 12 and a pin 38 of the moveable part 22 mounted in the U-shaped seating. **Janzen does not disclose a U-shaped seating that comprises an open end that is constricted by a resiliently yieldable latch element.**

Figure 1, according to Janzen, is a U-shaped seating that comprises an open end without any additional features. Therefore, newly amended claim 1, which includes the features of the originally filed claim 4, is not anticipated by Janzen. Claim 4 is cancelled in this Amendment After Final Action, and the features of claim 4 have been included in claim 1.

In response to the Office Action's statements under "Response to Arguments" (see page 3, paragraph 4), it should be noted that adding the features of claim 4 to claim 1 satisfies the requirement that the intended use results in a manipulative difference as compared to the prior art.

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Furthermore, Janzen does not give any hint to an ordinary person skilled in the art to provide an open end of a U-shaped seating with a yieldable latch element.

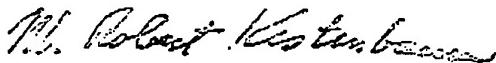
An entirely different mechanism of a surgical instrument is disclosed according to the further cited US Patent 5,582,618 (Chin et al), and therefore an ordinary person skilled in the art would not get any idea from Chin et al to provide a yieldable latch element to a u-shape seating on the actuatable handle portion, as disclosed in the present invention.

Wherefore, further consideration and allowance of the claims is respectfully requested.

This Amendment After Final Action is necessary to place the claims in condition for allowance or better condition for appeal.

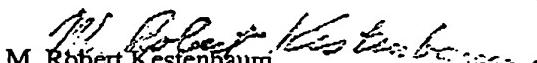
A one-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Small Entity one-month extension fee of \$55. Please charge any additional fees or credit any overpayments to Deposit Account 11-0665. A duplicate of this page is enclosed for this purpose.

Respectfully submitted,



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I hereby certify this correspondence is being submitted to Commissioner for Patents, Alexandria, VA 22313-1450 by facsimile transmission on May 19, 2004, fax number (703) 872-9306.


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